



February 17, 2009

HOUSE BILL No. 1428

DIGEST OF HB 1428 (Updated February 12, 2009 11:03 am - DI 116)

Citations Affected: IC 35-44; noncode.

Synopsis: Unlawful manufacture or sale of police or fire insignias. Makes it unlawful manufacture or sale of a police or fire insignia, a Class D felony, for a person to knowingly or intentionally manufacture and sells or offers for sale: (1) an official badge or a replica of an official badge that is used by a law enforcement agency or fire department of the state or a political subdivision of the state; or (2) a document that purports to be an official employment identification that is used by a law enforcement agency or fire department of the state or a political subdivision of the state; without the written permission of the chief executive officer of the law enforcement agency or fire department. Makes the offense a: (1) Class C felony if the person commits the offense with the knowledge or intent that the badge or employment identification will be used to commit the offense of impersonation of a public servant; and (2) Class B felony if the person commits the offense with the knowledge or intent that the badge or employment identification will be used to commit an offense involving weapons of mass destruction.

Effective: July 1, 2009.

Tincher, Duncan

January 13, 2009, read first time and referred to Committee on Veterans Affairs and Public Safety.
February 16, 2009, amended, reported — Do Pass.

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HB 1428—LS 7514/DI 69+



February 17, 2009

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

HOUSE BILL No. 1428

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 35-44-2-5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2009]: **Sec. 5. (a) A person who knowingly or intentionally**
4 **manufactures and sells or manufactures and offers for sale:**

5 (1) **an official badge or a replica of an official badge that is**
6 **currently used by a law enforcement agency or fire**
7 **department of the state and a political subdivision of the state;**
8 **or**

9 (2) **a document that purports to be an official employment**
10 **identification that is used by a law enforcement agency or fire**
11 **department of the state or a political subdivision of the state;**
12 **without the written permission of the chief executive officer of the**
13 **law enforcement agency commits unlawful manufacture or sale of**
14 **a police or fire insignia, a Class D felony.**

15 (b) **However, the offense described in subsection (a) is a:**

16 (1) **Class C felony if the person commits the offense with the**
17 **knowledge or intent that the badge or employment**

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1 identification will be used to further the commission of an
2 offense under IC 35-44-2-3; and

3 (2) Class B felony if the person commits the offense with the
4 knowledge or intent that the badge or employment
5 identification will be used to further the commission of an
6 offense under IC 35-47-12.

7 (c) It is a defense to a prosecution under subsection (a)(1) if the
8 area of the badge or replica that is manufactured and sold or
9 manufactured and offered for sale as measured by multiplying the
10 greatest length of the badge by the greatest width of the badge is:

11 (1) less than fifty percent (50%); or

12 (2) more than one hundred fifty percent (150%);

13 of the area of an official badge that is used by a law enforcement
14 agency or fire department of the state or a political subdivision of
15 the state as measured by multiplying the greatest length of the
16 official badge by the greatest width of the official badge.

17 SECTION 2. [EFFECTIVE JULY 1, 2009] IC 35-44-2-5, as added
18 by this act, applies only to offenses committed after June 30, 2009.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred House Bill 1428, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 4, delete "manufactures, sells, or" and insert **"manufactures and sells or manufactures and"**.

Page 1, line 5, after "is" insert **"currently"**.

Page 1, line 6, after "agency" insert **"or fire department"**.

Page 1, line 6, delete "or" and insert "and".

Page 1, line 9, after "agency" insert **"or fire department"**.

Page 1, line 13, after "police" insert **"or fire"**.

Page 2, line 7, delete "manufactured, sold, or" and insert **"manufactured and sold or manufactured and"**.

Page 2, line 12, delete "state law" and insert **"law enforcement agency or fire department of the state or a political subdivision of the state"**.

Page 2, line 13, delete "enforcement agency".

and when so amended that said bill do pass.

(Reference is to HB 1428 as introduced.)

BARNES, Chair

Committee Vote: yeas 9, nays 0.

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